

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE KROGER CO., : Case No.: C-1-02-439
: Plaintiff, : Beckwith, J.
: : Perelman, M.J.
: v. : **THE KROGER CO'S MEMORANDUM IN**
: **OPPOSITION TO MALEASE FOODS**
: **CORP.'S MOTION FOR SUMMARY**
MALEASE FOODS CORP., : **JUDGMENT ON ALL CLAIMS**
: Defendant. :

Defendant Malease Foods Corp. has styled a filing “Cross-Motion For Summary Judgment” but it actually encompasses both a Motion for Summary Judgment and Memorandum in Opposition to Plaintiff The Kroger Co.’s (“Kroger’s”) Motion for Summary Judgment.

Kroger’s Memorandum in Opposition to Malease Foods Corp.’s Motion for Summary Judgment incorporates Kroger’s Reply in Support of its Motion for Summary Judgment by reference.

Respectfully submitted,

/s/ Douglas R. Dennis
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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2004, a copy of the foregoing was via electronic filing with the Court to:

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